

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 08-364 (RHK/AJB)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	SECOND PRELIMINARY
)	ORDER OF FORFEITURE
(1) THOMAS JOSEPH PETTERS,)	
)	
Defendant.)	

Based on the United States' motion for a Preliminary Order of Forfeiture; on the jury's determination that defendant Thomas Joseph Petters is guilty of Counts 1 through 20 of the Superseding Indictment; on the Court having found that certain property is subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1), 21 U.S.C. § 853(p) and 28 U.S.C. § 2461(c); and on the Court's determination that, based on the guilty verdict and based on all of the files and records of this proceeding, the government has established the requisite nexus between such property and the offense to which the defendant has pled guilty,

IT IS HEREBY ORDERED that:

1. Plaintiff's motion for a second preliminary order of forfeiture is granted;

2. Defendant Thomas Joseph Petters shall forfeit the following property pursuant 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(1), 21 U.S.C. § 853(p) and 28 U.S.C. § 2461(c):

a. any and all remaining funds contained in Merrill Lynch accounts 693-15895, 693-16055 and 693-16054;

- b. three thousand three hundred thirty four (3,334) shares of Non-Voting Common Stock of Crown Bankshares, Inc., dated March 30, 2005;
- c. art, sports memorabilia, and other personal property itemized on Exhibit A, which is attached and incorporated by reference;
- d. any and all remaining funds contained in TCF Bank, account 3861665100; and
- e. any and all remaining funds contained in TCF Bank, account 6861665095;

3. The United States may seize the foregoing property and maintain custody and control of the property pending the entry of a Final Order of Forfeiture;

4. Merrill Lynch is directed to disburse all remaining funds contained in accounts 693-15895, 693-16055 and 693-16054 to the United States Marshals Service, at the time and in the manner directed by the United States Marshals Service, to be held pending the entry of a final order of forfeiture in this action;

5. TCF Bank is directed to disburse all remaining funds contained in accounts 3861665100 and 6861665095 to the United States Marshals Service, at the time and in the manner directed by the United States Marshals Service, to be held pending the entry of a final order of forfeiture in this action

6. The United States shall, pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 18 U.S.C. § 982(b)(1) and by 28 U.S.C. § 2461(c), publish and give notice of this Order and its intent to dispose of the foregoing property in such manner as the

Attorney General may direct;

7. Following the Court's disposition of all petitions filed pursuant to 21 U.S.C. § 853(n)(2) or, if no petitions are filed, following the expiration of the time period specified within which to file such petitions, the United States shall have clear title to the foregoing property and may warrant good title to any subsequent purchaser or transferee;

8. Pursuant to Fed. R. Crim. P. 32.2(b)(3), Fed. R. Crim. P. 32.2(c)(1)(B) and 21 U.S.C. § 853(m), the United States may conduct discovery to identify additional property subject to forfeiture under the terms of this order, or to address any factual issues raised by a third-party petition filed pursuant to Fed. R. Crim. P. 32.2(c);

9. This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary pursuant to Fed.R.Crim.P. 32.2(e) to forfeit any subsequently discovered directly forfeitable or substitute property, and to dispose of any third-party claims.

Dated: August 10, 2011

s/Richard H. Kyle
RICHARD H. KYLE, Judge
United States District Court